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प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखाज सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 19th May, 1995:—

Bill No. 96 of 1994

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1994.

Short title and commencement.

(2) It shall come into force on the first day of January, 1996.

Amendment of section 3.

43 of 1951.

2. In section 3 of the Representation of People Act, 1951 for the words "unless he is an elector" the words "unless he has been an elector for atleast ten years prior to the date of his nomination" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

At present, the basic requirement under the Representation of the People Act, 1951 for being chosen as a member of the Rajya Sabha is that he must be an elector in that State. Candidates contesting elections to Rajya Sabha get themselves registered as electors of any State just before the elections to the Rajya Sabha without having resided there and without having any knowledge of the needs and aspirations of the people of the State. Our Constitution, however, guarantees freedom of movement throughout the country and therefore, a person may choose to move to other State or reside therein. This Bill proposes that a person should have been an elector for atleast 10 years before he is eligible to be nominated for elections to Rajya Sabha.

November 22, 1994.

M. V. V. S. MURTHY.

BILL NO. 15 OF 1995

A Bill further to amend the Kazis Act, 1880.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:

1. (1) This Act may be called the Kazis (Amendment) Act, 1995.

Short title
and commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

12 of 1880.

2. In the Kazis Act, 1880 (hereinafter referred to as the principal Act), in section 4, in clause (a), after the word "hereunder", the words "except the powers conferred under section 5" shall be inserted.

Amend-
ment of
section
4.

3. After section 4 of the principal Act, the following section shall be added, namely:—

Insertion
of new
section
5.

"5. (1) Every Kazi and his naib or naibs (if any) appointed under this Act shall have the following duties, namely:—

Powers
of a
Kazi
and his
naibs.

(a) to perform marriage at the request of the parties after satisfying himself that the marriage is in accordance with the Sharaiat;

(b) to maintain proper records of all marriages performed under clause (a) with all relevant particulars of the parties to the marriage;

(c) to issue certificate of marriage or endorse the *Nikahnama* under clause (a) at the request of either of, or both, the parties;

(d) to hear any case relating to divorce filed by either of, or both, the parties and to decide it in the light of the requirements of divorce as laid down in the relevant verses of the Holy Quran;

(e) to issue certificate of divorce or endorse the *Talagnama* under clause (d) at the request of either of, or both, the parties.

Provided that before issuing a certificate of divorce or endorsing the *talaqnama* a Kazi or his naib, as the case may be, shall satisfy himself to the extent:—

(i) that the husband has paid or furnished security to satisfy all just claims of the divorced wife in respect of *mehr* and post-divorce maintenance;

(ii) that the divorced wife has been allowed to take possession and control of all her property including gifts received by her as wife from her husband; and

(iii) that the divorced wife has been paid a suitable compensation, in case the husband has exercised the right to divorce her without any just cause; and

(f) to maintain proper records of all divorce cases with all relevant particulars of the parties concerned.

(2) The Kazi or Naib Kazi may charge such reasonable fees, not exceeding such maximum rates as may be specified in this behalf by the State Government by notification in the Official Gazette, in lieu of performing his duties under this section.”.

STATEMENT OF OBJECTS AND REASONS

At present, the Kazis Act, 1880, is in force only in some metropolitan towns and a few district towns. Marriage and divorce in the Muslim community is purely a private affair and in most cases, no record is maintained. Some States like Maharashtra have authorised the Kazis to issue *Nikahnamas*. Although the incidence of divorce in the Muslim community is very low, in many cases the right to divorce vested in the husband is exercised in an arbitrary manner. There is a growing consensus in the Muslim community that the divorce should be in accordance with the mandate of the Holy Quran.

Although, it would be premature to introduce compulsory registration of all marriages and divorces, the State must expand the institution of Kazis to cover all parts of the country and to vest in them the power to perform marriage and oversee divorce and issue certificates relating thereto atleast in respect of those couples who by mutual agreement volunteer to approach the Kazi.

Hence this Bill.

NEW DELHI;

February 26, 1995.

SYED SHAHABUDDIN

BILL NO. 24 OF 1995

A Bill to provide for abolition of begging and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Forty sixth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Abolition of Begging Act, 1995.

(2) It extends to the whole of India.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in all other cases the Central Government;

(b) "beggar" means a person who indulges in begging;

(c) "begging" means—

(i) soliciting or receiving alms in a public place, including railways, bus-stops, road sides and public transport, by invoking compassion; and

(ii) entering in any private premises for the purpose of soliciting or receiving alms;

(d) "child" means a boy or a girl who has not attained the age of eighteen years; and

(e) "Receiving Centre" means a centre, established under section 6, where any person arrested on the ground of begging shall be kept till the time he is rehabilitated.

3. Begging by any person in any manner is hereby abolished.

Abolition of
begging.

4. Whoever forces or encourages any person, including a child in his care, custody or charge, for begging or whoever uses any person as an exhibit for the purpose of begging, shall be punished with imprisonment for a term which shall not be less than fifteen years.

Punishment for
forced
begging.

5. (1) Any person found begging shall be arrested by the police and before making every such arrest, the officer-in-charge of the concerned police station shall satisfy himself as to the bonafide of the arrested beggar.

Arrest of
persons
found
begging.

(2) Any person arrested on the ground of begging shall be sent to a Receiving Centre, to be established in every district by the appropriate Government, wherein such person shall be provided with facilities for his rehabilitation.

6. (1) The Central Government shall constitute a Fund to be called the Beggars' Welfare Fund for the welfare of the beggars.

Beggars'
Welfare
Fund.

(2) Every beggar shall be given such amount, as may be necessary, but not more than rupees five thousand out of the Fund constituted under sub-section (1) for self employment.

7. (1) The appropriate Government shall formulate such schemes, work out such plans, including plans for provision of education, and create suitable infrastructure in every district so as to enable beggars to take up suitable jobs for earning livelihood.

Formulation
of
schemes
and plans
for
beggars,
etc.

(2) The appropriate Government shall set up Destitute Homes for providing food, shelter and protection, to the old, infirm, helpless and destitute persons.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power
to make
rules.

STATEMENT OF OBJECTS AND REASONS

Despite all efforts made and welfare measures taken by the Central Government and the State Governments, the practice of begging continues unabated all over the country, especially in the metropolitan cities and urban centres. It is not only that the handicapped, deprived and the destitute persons resort to begging for sustenance but able-bodied persons also take to begging as a regular occupation. There are organised gangs who exploit innocent children and force them into begging, not for the sustenance of these boys and girls but for gathering alms for the gang leaders and organisers. Quite often these children are named before being pushed into beggary. Some people have made forcing children into begging a business. They kidnap children and force them to go for begging and collect huge amount.

As per 1971 census the number of beggars in the country was 10 lakhs. Since beggars, by and large, evade census operations, the number should actually be many times more and by now the number should be running into several crores.

So far no serious and concerted effort seems to have been made to link prevention, rather abolition, of begging with social and welfare programmes. Abolition of begging has to go alongwith programmes for education, training and rehabilitation of the children, women and men found engaged in begging.

Therefore, it is high time that a law providing for abolition of begging is brought forward.

Hence this Bill.

NEW DELHI;

M.V.V. S. MURTHY.

March 21, 1995.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of "Receiving Centres" in every district by the appropriate Government. Clause 6 provides for setting up of Beggars' Welfare Fund. Clause 7 provides for formulation of schemes and creating suitable infrastructure by appropriate Government in every district so as to enable beggars to take up suitable jobs. It further provides for setting up of Destitute Homes by the appropriate Government. The Central Government would have to incur expenditure from the Consolidated Fund of India for establishing Receiving Centres, formulating schemes, creating suitable infrastructure in respect of Union territories and for constituting Beggars' Welfare Fund. As far as establishment of Receiving Centres, formulation of schemes and creating suitable infrastructure in the States are concerned, the State Governments will incur expenditure from their respective Consolidated Funds. The Central Government may also have to extend some financial assistance to States for implementing the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees four hundred crore per annum.

Non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 32 OF 1995

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1995.

2. In article 101 of the Constitution, after clause (4), the following clause shall be added, namely:—

“(5) If more than fifty per cent of the total number of electors of a Parliamentary constituency from where a member had been elected to the House of the People exercise their right to recall such member, in such manner as may be prescribed, such seat shall thereupon become vacant:

Provided that Parliament may, within a period of six months of the passing of the Constitution (Amendment) Act, 1995, by law provide for the manner in which the electors of a Parliamentary constituency shall exercise their right to recall their elected representative.”.

Short title,

Amend-
ment of
article
101.

Amend-
ment of
article
190.

3. In article 190 of the Constitution, after clause (4), the following clause shall be added, namely:—

“(5) If more than fifty per cent of the total number of electors of an Assembly constituency from where a member had been elected to the Legislative Assembly of a State exercise their right to recall such member, in such manner as may be prescribed, such seat shall thereupon become vacant:

Provided that Parliament may within a period of six months of the passing of the Constitution (Amendment) Act, 1995, by law provide for the manner in which the electors of an Assembly constituency shall exercise their right to recall their elected representative.”

STATEMENT OF OBJECTS AND REASONS

Elections are the backbone of Indian democracy. The need to ensure accountability of the legislators to the people who vest in them the power to make laws for the governance of the nation is unquestionable. This accountability must be codified. Conferring upon the voters the right to recall their elected representative in the event of erosion of popular support for such representatives is necessary to fulfil this need.

Of late, it is observed that often a significant number of legislators neither get re-elected nor continue to enjoy the support of the electorate throughout their term as members of the House of the People or Legislative Assembly. Opinion polls, which are being conducted from time to time, reveal that the popular support to the elected representatives of people is significantly reduced with the passage of time.

The erosion of popular support to the elected representatives is attributable to disregard towards the interests and expectations of voters coupled with non-fulfilment of promises made by such elected representatives at the time of elections.

The Bill, therefore, seeks to empower the electorate to recall such persons from the House of the People or Legislative Assembly of a State.

NEW DELHI;
April 5, 1995.

M.V.V.S. MURTHY

R. C. BHARDWAJ
Secretary-General.

